D.B. CIVIL SPECIAL APPEAL (W) NO.548/2007
National Insurance Company Ltd. & Ors.
Vs.
Vasudev Vyas

22.5.2007

HON'BLE MR JUSTICE RAJESH BALIA
HON'BLE MR JUSTICE BHANWAROO KHAN

Mr. MS Singhvi, for the appellant.

Having heard learned counsel for the appellant, we are of the opinion that the request may be made to the learned Single Judge to decide the writ petition at an early date.

The only issue which arises in the writ petition is about the power of Regional Manager in transferring the petitioner-respondent from one place to another place within radius of 150 km. While the appellant states that the case is governed by para 18(1) of the notification dated 21.12.2005 read with policy of transfer, the petitioner has urged that his case is governed by sub-para (2) of para 18 of the said notification.

The learned Single Judge has refrained from expressing any opinion on the merits of the case, however, while considering an application under Article 226(3) of the Constitution of India for vacating the interim relief he has expressed

only prima facie opinion making it specifically clear in the judgment that he is not expressing any opinion on merits of the case.

In these circumstances, it will be appropriate that instead of deciding the controversy raised in this appeal, the writ petition shall be heard at an early date and for which an appropriate request may be made before the learned Single Judge.

Accordingly, the appeal is dismissed.

(BHANWAROO KHAN),J. (RAJESH BALIA),J.

/rm